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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MC](#)  
SUBJECT: MACAU -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHÉ

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room.

This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Macau of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Macau and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Macau of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Macau,s country narrative in the 2009 TIP Report:

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MACAU (TIER 2)  
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Macau is primarily a destination for the trafficking of women and girls from the Chinese mainland, Mongolia, Russia, Philippines, Thailand, Vietnam, Burma, and Central Asia for the purpose of commercial sexual exploitation. Most victims are from inland Chinese provinces who migrate to the border province of Guangdong in search of employment, where they fall prey to false advertisements for jobs in Macau. Foreign and mainland Chinese women and girls are deceived into migrating voluntarily to the Macau Special Administrative Region (MSAR) for employment opportunities in casinos, as dancers, or other types of legitimate employment; upon arrival in Macau, some of the victims are passed to local organized crime groups, held captive, and forced into sexual servitude. Chinese, Russian, and Thai criminal syndicates are sometimes involved in bringing women into Macau for its legalized prostitution industry. Victims are sometimes confined in massage parlors and illegal but widely tolerated brothels, where they are closely monitored, have their identity documents confiscated, are forced to work long hours, or are threatened with violence. The control of some victims by organized crime syndicates makes it particularly dangerous for them to seek help. More rarely, Macau is also a source territory for women and girls trafficked elsewhere in Asia for commercial sexual exploitation.

The MSAR does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed a comprehensive anti-trafficking law and began to provide shelter, counseling, and medical and financial assistance to trafficking victims. Nevertheless, overall efforts to investigate and prosecute traffickers, particularly those involved in organized crime, remain inadequate. Victim identification and protection efforts also need improvement. Macau has the resources and government infrastructure to make greater efforts in addressing trafficking in persons.

Recommendations for the Macau Special Administrative Region: Push for greater investigations and prosecutions of traffickers under the new comprehensive anti-trafficking law; cooperate closely with source country governments on cross-border trafficking cases; increase efforts to identify victims of trafficking among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; ensure that victims of trafficking are not punished for crimes committed as a direct result of being trafficked; provide specialized training to Social Welfare Bureau social workers in providing assistance to victims of human trafficking and designate a social worker to assist trafficking victims in the shelter; and support a visible anti-trafficking awareness campaign directed at employers and clients of the legalized sex trade.

Prosecution  
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The Macau government made some progress in its anti-trafficking law enforcement efforts during the reporting period. In June 2008, the Macau Legislative Assembly passed

comprehensive anti-trafficking legislation, which prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 12 years, imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. While the government conducted some investigations into cases of human trafficking, there were several cases during the reporting period of Vietnamese and Mongolian women allegedly trafficked to Macau for commercial sexual exploitation that Macau authorities did not investigate. Reports from law enforcement officials in source countries indicate a lack of cooperation by Macau authorities when requesting assistance and follow-up in cases involving foreign nationals. Two sex trafficking prosecutions are awaiting trial, both of which resulted from victims filing complaints with authorities. Macau authorities have yet to obtain a conviction of a trafficking offender. In October 2008, two Macau female sex trafficking victims were rescued in Japan after one of the victims sent a text message to a relative. Macau authorities worked with INTERPOL and Japanese law enforcement in the repatriation of the victims. Macau police arrested one trafficker in this case, who has not yet been prosecuted. Corruption is a significant problem in Macau, and is often closely linked to the gambling industry and organized crime networks. One Macau police officer arrested in 2007 for allegedly blackmailing two women in prostitution for &protection8 fees has not been brought to trial. Macau authorities did not report any allegations of official complicity with human trafficking in 2008. The control of Macau, Chinese, Russian, and Thai criminal syndicates over Macau,s lucrative sex trade continued to challenge the effectiveness of prosecution efforts in Macau.

#### Protection

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MSAR authorities demonstrated some efforts to protect trafficking victims in 2008. Although Macau authorities, with NGO assistance, developed guidelines for the proactive identification of trafficking victims, most trafficking victims were self-identified. Foreign victims found it extremely difficult to escape their state of servitude given the lack of services in their native language and the lack of their government,s diplomatic representation in Macau. During the reporting period, several foreign women were trafficked to Macau for commercial sexual exploitation but were not identified by Macau authorities; they were instead assisted by foreign NGOs and their home governments, who arranged for their repatriation. The Macau government provided temporary shelter, counseling, and financial and medical services to 23 victims of trafficking in a shelter run by the Social Welfare Bureau. One additional victim stayed in a local NGO shelter. Victims are provided a weekly stipend during their time in the shelters, but are not offered legal alternatives to their removal to countries where they may face hardship or retribution. Due to the lack of effective victim identification, other victims were likely deported for immigration violations. Persons detained for immigration violations were usually deported and barred from re-entry to Macau for up to two years. The Women,s General Association of Macau receives government funding to run a 24-hour trafficking victim assistance hotline. Although the Macau police also ran a trafficking hotline, the public appeared to lack awareness about the hotline,s existence, and no trafficking cases were identified from hotline calls during the reporting period.

#### Prevention

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The government demonstrated progress in its trafficking prevention efforts. The government continued to publish anti-trafficking brochures in multiple languages that were displayed at border checkpoints, hospitals, and public gathering areas. It also ran radio and television advertisements, and organized several seminars to increase public awareness of human trafficking, in which senior Macau government officials called on the public to help the government fight trafficking. Authorities set aside funding to conduct an independent evaluation of the trafficking

situation in Macau in 2009. The government did not take measures during the reporting period to reduce the demand for commercial sex acts or conduct any awareness campaigns targeting clients of Macau's legalized prostitution industry.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Macau given a ranking of Tier 2?

A: The Macau Special Administrative Region does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed a comprehensive anti-trafficking law and began to provide shelter, counseling, and medical and financial assistance to trafficking victims. Nevertheless, overall efforts to investigate and prosecute traffickers, particularly those involved in organized crime, remain inadequate. Victim identification and protection efforts also need improvement. Macau has the resources and government infrastructure to make greater efforts in addressing trafficking in persons.

Q2: What progress has Macau made in the past year?

A: In June 2008, the Macau Legislative Assembly passed comprehensive anti-trafficking legislation, which prohibits all forms of trafficking in persons. The government provided temporary shelter, counseling, and financial and medical services to 23 victims of trafficking in a shelter run by the Social Welfare Bureau in 2008. The government continued to publish anti-trafficking brochures in multiple languages that were displayed at border checkpoints, hospitals, and public gathering areas. It also ran radio and television advertisements, and organized several seminars to increase public awareness of human trafficking, in which senior Macau government officials called on the public to help the government fight trafficking.

Q3: What efforts could Macau make to improve its fight against trafficking in persons?

A: The Macau government could: push for greater investigations and prosecutions of traffickers under the new comprehensive anti-trafficking law; cooperate closely with source country governments on cross-border trafficking cases; increase efforts to identify victims of trafficking among vulnerable groups such as migrant workers and foreign women and children arrested for prostitution; ensure that victims of trafficking are not punished for crimes committed as a direct result of being trafficked; provide specialized training to Social Welfare Bureau social workers in providing assistance to victims of human trafficking and designate a social worker to assist trafficking victims in the shelter; and support a visible anti-trafficking awareness campaign directed at employers and clients of the legalized sex trade.

112. The Department appreciates posts, assistance with the preceding action requests.  
CLINTON